

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Norfolk Division

APR 2 2019

UNITED STATES OF AMERICA,

v.

CRIMINAL NO. 2:09cr43

STACY RAY GONZALES,

Defendant.

ORDER

On July 30, 2010, the court sentenced the Defendant to a total term of one hundred ten (110) months imprisonment, followed by a period of four (4) years supervised release. In an order entered and filed on August 19, 2015, the court, pursuant to 18 U.S.C. § 3582(c)(2), reduced the Defendant's sentence to a term of ninety-two (92) months. In all other respects, the sentence as it was originally imposed on July 30, 2010, remained the same. The Defendant's supervision began on December 9, 2016.

A petition alleging violations of supervised release was filed on September 26, 2018. Addenda to the petition were filed on October 16, 2018, and December 3, 2018, and December 6, 2018, and December 7, 2018. The court held a hearing on December 7, 2018, on these alleged violations. Appearing with counsel, the Defendant stipulated to the violations contained in the petition and the addenda.

Upon the Defendant's stipulation and for the reasons stated from the bench, the court found that the Defendant had violated the terms of his supervised release as set forth in the petition filed on September 26, 2018, and the addenda filed on October 16, 2018, and December 3, 2018, and December 6, 2018, and December 7, 2018. Accordingly, the court continued disposition of these violations pending any further violations and with the following instruction: the Defendant shall continue to participate in a substance abuse treatment program, at the direction and discretion of the probation officer. The probation officer was directed to report to the court in four (4) months regarding the status of the Defendant.

The Defendant was directed to comply with the standard conditions of supervised release that have been adopted by this court. All of the special conditions of supervised release previously imposed in the court's judgment entered and filed on July 30, 2010, remained in full force and effect, along with the Waiver of Hearing to Modify Conditions of Supervised Release filed on January 11, 2017.

Addenda to the petition were filed on February 13, 2019, March 7, 2019, and March 27, 2019, alleging new violations of supervised release. The court held a hearing on April 2, 2019, on these newly alleged violations. Appearing with counsel, the Defendant stipulated to the violations contained in the addenda.

Upon the Defendant's stipulation and for the reasons stated from the bench, the court **FINDS** that the Defendant has violated the terms of his supervised release as contained in the addenda filed on February 13, 2019, March 7, 2019, and March 27, 2019. Accordingly, the court disposes of both the current violations set forth in the addenda filed on February 13, 2019, March 7, 2019, and March 27, 2019, as well as the previous violations set forth in the petition filed on September 26, 2018, and the addenda filed on October 16, 2018, and December 3, 2018, and December 6, 2018, and December 7, 2018, and hereby **REVOKES** the supervised previously imposed.

The Defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of **EIGHTEEN (18) MONTHS**. The court **DIRECTS** that while incarcerated, the Defendant shall participate in a substance abuse treatment and counseling program, to include the Residential Drug Abuse Treatment Program (RDAP), if available. Additionally, the court **DIRECTS** that while incarcerated, the Defendant shall further his education by developing a skill. Upon release from imprisonment, the Defendant will not serve any further period of supervised release. The court waives the cost of this prosecution and this term of incarceration.

The Defendant is remanded to the custody of the United States Marshal. The Clerk is **DIRECTED** to forward a copy of this Order to

defense counsel, the Assistant United States Attorney, the United States Marshal, and the United States Probation Officer.

IT IS SO ORDERED.

/s/
Rebecca Beach Smith
United States District Judge

RBS
Rebecca Beach Smith
United States District Judge

April 2 , 2019